REMARKS

Status of the Claims

- Claims 1-4, 8-18, 23-33 are pending in the Application.
- Claims 9-14, 24-29, and 31-33 are withdrawn from consideration.
- Claims 1-8, 15-23, and 30 stand rejected by the Examiner.
- Claims 1, 8, 16, and 23 are currently amended.
- Claims 5-7, and 20-22 are cancelled

Claim Rejections Pursuant to 35 U.S.C. §112

Claims 6-7 and 21-22 stand rejected under 35 U.S.C. §112, first and second paragraphs, as failing to comply with the enablement requirement. Specifically, the claims include the elements "requires the application to quit in order to save the working file" and "the application is of the type that must quit before the working file can be saved". The Examiner explains that the Specification fails to particularly describe how an application can save when the application has already quit or effectively terminated.

Applicant cancels Claims 5-7, and 20-22 and thus requests withdrawal of the 35 U.S.C. §112 rejection.

Specification Amendment

Applicant respectfully submits that the aspect of an application saving a working file during a shut down, termination, or quitting operation is well known to those of skill in the art. As is well known, some applications save a working file after a request (command) is received that requests a termination or quitting of the application. During such a shutdown, the working file is saved during the quit operation and the save is completed before the application is terminated. Thus, the working file is saved during (as part of) a quit operation. This action is well known to those of ordinary skill in the art.

Applicant amends paragraph 0041 of the specification to include this well known automatic saving operation of some applications. Paragraphs 0041 is amended to indicate that, as is well known by those of ordinary skill in the art, some word processing applications

initiate and complete a save file operation before shutting down after receiving a request to terminate or quit by a user. As such, a save is initiated and is completed as the application quits. Applicant respectfully submits that no new matter is added to the specification as a result of this amendment because the added material is already-existing knowledge and is well known to those of ordinary skill in the art.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 6-7 are rejected under 35 U.S.C. §101 as being inoperative and thus lacking utility. Applicant amends cancels Claims 6-7 as indicated above.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1-5, 15-20, and 30 stand rejected under 35 U.S.C. §1032(b) as being anticipated by US. Patent No. 6,480,944 to Bradshaw et al. (Bradshaw). Applicant respectfully traverses the rejection.

Bradshaw teaches a method of and apparatus configured to enable the preservation and recovery of in-progress developments and changes as they are made in a system for development of content of a web site in the event of a process or system failure. The in-progress data developments and changes may be preserved while they are created, and may then be retrieved and recovered after the system or process is recovered. In one embodiment, the cache memory contents are mirrored into a memory-mapped file, providing a redundant location for cache data. In the event of a failure, the mirrored cache information is available for recovery from a file. This extra cache location can be filled and flushed as needed by the system as the cache data is stored to disk or other memory location, obviating its preservation. (Bradshaw, col. 3 lines 8-22)

However, Bradshaw fails to disclose a series of three determinations as recited in amended Claims 1 and 16 that determine functional types of an application and the ability of that application type to produce recovery files and consistent working files. Applicant finds support for the amendment in Figure 4 of the as-filed specification and the supporting text.

Bradshaw also fails to disclose performing a determination that, if true, creates a clone of the application; sends a quit command to the clone of the application to initiate a

save file command; and captures any saved files responsive to the save file command as recited in amended independent Claims 1 and 16.

Since Bradshaw fails to disclose all elements of amended independent Claims 1 and 16, then Bradshaw cannot anticipate amended independent Claim 1 and 16 and their respective dependent claims. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §102(b) rejection.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1-5, 15-20, and 30 stand rejected under 35 U.S.C. §1032(b) as being anticipated by US. Patent No. 6,480,944 to Bradshaw et al. (Bradshaw). Applicant respectfully traverses the rejection.

Claims 8 and 13 stand rejected under 35 U.S.C. §103(a) as unpatentable over US. Patent No. 6,480,944 to Bradshaw et al. (Bradshaw) in view of US. Patent No. 6,725,241 to Rodriguez et al. (Rodriguez) and in further view of US. Patent No. 7,093,086 to van Reitschote. Applicant respectfully traverses the rejection.

As mentioned above, Bradshaw fails to disclose a series of three determinations as recited in amended independent Claims 1 and 16 that determine functional types of an application and the ability of that application type to produce recovery files and consistent working files. Bradshaw also fails to disclose performing a determination that, if true, creates a clone of the application; sends a quit command to the clone of the application to initiate a save file command; and captures any saved files responsive to the save file command as recited in amended independent Claims 1 and 16.

Rodriguez teaches a method of freeing memory in a data processing system. However, Rodriguez is responsive to an indication that space needs to be freed in memory and identifies the oldest and least recently used objects as candidates for relocation. (See Rodriguez, Abstract).

Van Rietschote teaches a disaster recovery method for backing up virtual machines. In one embodiment a computer system is configured to capture a state of a virtual machine and copying at least a portion of the state to a destination separate from a storage device to which the virtual machine is suspendable. (See van Rietschote, Abstract)

Applicant respectfully submits that the combination of Bradshaw, Rodriguez, and van Rietschote fail to disclose all elements of amended independent Claims 1 and 16 upon which Claims 8 and 23 depend. As a result, the combination of Bradshaw, Rodriguez, and van Rietschote cannot render obvious Claims 8 and 23 under 35 U.S.C. §103(a). Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of Claims 8 and 23 because they patentably define over the cited art.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests reconsideration of all pending claims.

Respectfully submitted,

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